



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED
Certified Mail # 7003 2260 0005 1961 1872

In Reply Refer To:
EPA File No: 04R-05-R4

Mrs. Jessie Jackson Reeder
1st Vice President of Helena Community, Inc.
Involved Citizens of Helena Community
P.O. Box 1021
Newberry, South Carolina 29108

Re: Rejection of Administrative Complaint

Dear Mrs. Jackson Reeder:

This letter is in reference to your March 3, 2005, administrative complaint filed with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR). Your complaint (dated February 28, 2005) alleges that the Newberry County Council (SCNCC) and the South Carolina Department of Health and Environmental Control (SCDHEC) violated Title VI of the Civil Rights Act of 1964, as amended (Title VI) 42 U.S.C. §§ 2000d *et seq.*, and EPA's Title VI implementing regulations found at 40 C.F.R. Part 7. Specifically, your complaint alleges that the issuance of a letter of consistency and a permit for the Southeast Resource Recovery, Inc. (SRRI), landfill permit discriminated against the residents of the Helena community in violation of Title VI. OCR has reviewed your complaint and must reject it because it does not meet EPA's jurisdictional requirements for acceptance.

OCR is responsible for processing and investigating complaints of discrimination filed against programs or activities that receive financial assistance from EPA. Under Title VI, a recipient of federal financial assistance may not discriminate on the basis of race, color, or national origin. Pursuant to EPA's Title VI implementing regulations, OCR conducts a preliminary review of Title VI complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's Title VI regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that violates EPA's Title VI regulations (*i.e.*, an alleged discriminatory act based on race, color, or national origin). Third, it must be filed within 180 calendar days of the alleged discriminatory act. 40 C.F.R. § 7.120. Fourth, the complaint must be against an


applicant for, or recipient of, EPA assistance that allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

OCR cannot accept your complaint for investigation for the following reasons:

1. The SCNCC was not an applicant for, or recipient of EPA assistance at the time of the alleged discriminatory act.
2. Your complaint is untimely. As stated above, a complaint must be filed within 180 calendar days of the alleged discriminatory act. According to the information submitted with your complaint, the alleged discrimination act (SCDEHC's reissuance of the SRRI landfill permit, pursuant to the final decision and order of the South Carolina Supreme Court) occurred on April 19, 2004. Your complaint was filed on March 3, 2005. Thus, the alleged discriminatory act occurred more than 180 days before you filed this complaint.

If you have any questions regarding this letter, please contact Ms. Karen Randolph of the OCR External Compliance Program by telephone at (202)343-9679, via electronic mail at Randolph.karen@epa.gov, or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

cc: C. Earl Hunter, Commissioner
Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Mike Hawkins, Chairman
Newberry County Council
1226 College Street
Newberry, SC 29108

Stephen G. Pressman, Associate General Counsel
Civil Rights Law Office (MC 2399A)

Nancy Tommelleo, Title VI Coordinator
EPA Region 4